

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**YOLANDA GRISWELL, as EXECUTOR  
of the Estate of MARY SMALLWOOD,  
and Individually and on Behalf of All  
Legal Beneficiaries of MARY  
SMALLWOOD,**

Plaintiff,

v.

**BAXTER HEALTHCARE  
CORPORATION, BAXTER  
INTERNATIONAL, INC., SCIENTIFIC  
PROTEIN LABORATORIES, LLC,  
AMERICAN CAPITAL, LTD., and  
COLISEUM MEDICAL CENTER, LLC,**

Defendants.

Civil Action No. 5:10-CV-174 (HL)

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**ORDER**

Before the Court is the parties' Motion to Stay Proceedings (Doc. 11). The parties have requested that the Court stay all proceedings until such time as any one of the parties requests that the stay be lifted. The parties wish to further investigate the manufacturer of the heparin that was administered to the decedent, Ms. Smallwood.

Plaintiff states a number of times in her complaint that the allegedly contaminated heparin administered to the decedent, which Plaintiff contends ultimately lead to the decedent's death, was manufactured by Defendants. (See Complaint, ¶¶ 67, 76, 81, 133, 137). If a question has arisen as to whether or not

the Defendants actually manufactured the heparin in question, that is a matter for discovery. The parties will be given ample time for discovery, and given that Plaintiff knows the NDC numbers of the vials from which the heparin administered to the decedent came (see Complaint, ¶ 61), it should not be difficult to determine whether Defendants manufactured the heparin or not. The Court will not indefinitely stay a case for Plaintiff to gather information that should have been gathered before the lawsuit was filed.

The Motion to Stay Proceedings (Doc. 11) is denied. In addition, the parties' Motions for a Briefing Schedule on Plaintiff's Motion to Remand (Docs. 12 and 14) are denied. The parties are to respond and reply to the Motion to Remand according to the schedule set forth in Local Rule 7.

**SO ORDERED**, this the 28th day of May, 2010.

**/s/ Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

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